

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BILLY WAYNE RICHMOND,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

Case No. C07-5533RJB/KLS

ORDER DENYING PETITIONER'S  
MOTION TO COMPEL

Before the court is Petitioner's "Motion for Discovery for a Court Order to Compel Public Disclosure Record Unit" (Dkt. #24). Plaintiff did not note this motion or serve it upon Respondent. Having reviewed Petitioner's request, the Court finds that it should be denied.

**I. DISCUSSION**

Under Rule 6(a) of the rules governing Section 2254 cases, a party shall be entitled to invoke the processes of discovery available under the Federal Rules of Civil Procedure if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise.

On March 31, 2008, Petitioner was ordered to amend his habeas petition to set out with greater clarity and specificity his grounds for relief and supporting facts, including the exact date of the Indeterminate Sentence Review Board (ISRB) decision, that he seeks to challenge in this habeas action. (Dkt. # 20).

1 Petitioner provides the court with a copy of a letter from Cynthia Hood, Public Disclosure  
2 Specialist of the Department of Corrections (DOC) relating to Petitioner's request for "copies of all  
3 records relating to the Indeterminate Sentence Review Board's hearings and decisions from 1984  
4 through 2007." (Dkt. # 24, Exh. 1). Ms. Hood responded to Petitioner request, stating that the DOC is  
5 not the custodian of these records and that she was forwarding Petitioner's request to the Indeterminate  
6 Sentence Review Board for further response. *Id.* In addition, Ms. Hood provided Petitioner with  
7 ISRB's mailing address. *Id.*

9 Despite having been told that the DOC is not in possession of his records and that his request  
10 has been forwarded to the ISRB, Petitioner requests that the court order Ms. Hood to give Petitioner  
11 his records. Petitioner's motion is without merit.

12 Accordingly, it is **ORDERED as follows:**

- 13  
14 (1) Petitioner's motion to compel (Dkt. # 24) is **DENIED**. Plaintiff is also advised that  
15 future motions must be properly noted on the court's docket for hearing and copies  
16 must be served on counsel for Respondent; and  
17  
18 (2) The Clerk is directed to send a copy of this Order to Petitioner and counsel for  
19 Respondent.

20  
21 DATED this 2nd day of May, 2008.

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23   
24 Karen L. Strombom  
25 United States Magistrate Judge  
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